

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
FIFTY-SEVENTH LEGISLATURE

ONE HUNDRED THIRTEENTH LEGISLATIVE DAY
MONDAY, APRIL 28, 2003

Senate Chamber

President Risch called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senator Keough, absent and formally excused by the Chair; President Pro Tempore Geddes, and Senators Cameron, Little, Lodge, Malepeai, Marley, Noh, Pearce, Schroeder, Stegner, Stennett, and Sweet, absent and excused.

The President announced that the Oath of Office had been administered previously to Acting Senator Michael Hill, and he was recorded present at this order of business.

Prayer was offered by Chaplain Gene Arnold.

The Pledge of Allegiance was led by Sergeant at Arms Peggy Chrisman.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

Senators Marley and Schroeder were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of April 25, 2003, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

President Pro Tempore Geddes and Senator Sweet were recorded present at this order of business.

April 25, 2003

The JUDICIARY AND RULES Committee reports that Enrolled **S 1181**, **S 1182**, **S 1183**, **S 1184**, **S 1185**, and **S 1186** were delivered to the Office of the Governor at 1:05 p.m., April 25, 2003.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

April 25, 2003

The COMMERCE AND HUMAN RESOURCES Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

LaMoyné Hyde as Director of the Department of Commerce, term to expire at the pleasure of the Governor.

ANDREASON, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

Senators Cameron, Little, Malepeai, Noh, Stennett, and Stegner were recorded present at this order of business.

April 28, 2003

Mr. President:

I transmit herewith Enrolled **H 410**, **H 418**, **H 419**, **H 403**, as amended, **HJM 12**, and **H 422** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **H 410**, **H 418**, **H 419**, **H 403**, as amended, **HJM 12**, and **H 422** and ordered them returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Tenth Order of Business.

Motions and Resolutions

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12 noon, until the hour of 4 p.m. of this day.

**RECESS
AFTERNOON SESSION**

April 28, 2003

The Senate reconvened at 4 p.m., pursuant to recess, President Pro Tempore Geddes presiding.

Roll call showed all members present except Senator Keough, absent and formally excused by the Chair; Senators Burkett, Cameron, Marley, Noble, Pearce, and Sweet, absent and excused.

Prior to recess the Senate was at the Tenth Order of Business, Motions and Resolutions.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Ninth Order of Business.

Messages from the House

Senators Cameron and Marley were recorded present at this order of business.

April 28, 2003

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I am writing to inform you that the House has failed to concur in the Senate amendments to **House Bill 264**, as amended in the Senate. I am appointing a conference committee consisting of Representatives Delores Crow, Lawrence Denney, Scott Bedke, and Margaret Henbest.

Sincerely,
/s/ Bruce Newcomb
Speaker of the House

The correspondence was ordered filed in the office of the Secretary of the Senate.

The President Pro Tempore appointed a Conference Committee consisting of Senator Hal Bunderson, Chairman, and Senators Brad Little, Dean Cameron, and Edgar Malepeai to meet with a like committee from the House for consideration of the Senate amendments in which the House did not concur.

April 28, 2003

Mr. President:

I return herewith **S 1187, S 1188, S 1189, S 1190, and S 1191** which have passed the House.

JUKER, Chief Clerk

S 1187, S 1188, S 1189, S 1190, and S 1191 were referred to the Judiciary and Rules Committee for enrolling.

Mr. President:

I transmit herewith Enrolled **H 415**, as amended in the Senate, as amended in the Senate, for the signature of the President.

JUKER, Chief Clerk

The President Pro Tempore announced he was about to sign Enrolled **H 415**, as amended in the Senate, as amended in the Senate, and when so signed, ordered it returned to the House.

April 28, 2003

Mr. President:

I transmit herewith **H 453, H 454, and H 451** which have passed the House.

JUKER, Chief Clerk

H 453, H 454, and H 451 were filed for first reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,
House Petitions, Resolutions, and Memorials**

H 453 and H 454, by Revenue and Taxation Committee, were introduced, read at length, and held at the Secretary's desk.

H 451, by Ways and Means Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate passage of **H 453** be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that **H 453** be read the second time by title and the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill (Hill), Ingram, Kennedy, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noh, Richardson, Schroeder, Sorensen, Stegner, Stennett, Werk. Total - 29.

NAYS--None.

Absent and excused--Burkett, Keough, Noble, Pearce, Sweet, Williams. Total - 6.

Total - 35.

More than two-thirds having voted in the affirmative, the President Pro Tempore declared the rules suspended.

H 453 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Moved by Senator Stegner, seconded by Senator Compton, that **H 453** be referred to the Fourteenth Order of Business for amendment.

The question being, "Shall the motion prevail?"

Roll call vote was requested by Senators Stegner, Brandt, and Kennedy.

Roll call resulted as follows:

AYES--Bailey, Brandt, Burtenshaw, Calabretta, Compton, Goedde, Hill (Hill), Kennedy, Little, Marley, McWilliams, Noh, Schroeder, Stegner, Werk, Williams. Total - 16.

NAYS--Andreason, Bunderson, Cameron, Darrington, Davis, Gannon, Geddes, Ingram, Lodge, Malepeai, McKenzie, Richardson, Sorensen, Stennett. Total - 14.

Absent and excused--Burkett, Keough, Noble, Pearce, Sweet. Total - 5.

Total - 35.

Whereupon the President Pro Tempore declared that the motion prevailed and **H 453** was referred to the Fourteenth Order of Business, General Calendar.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate passage of **H 454** be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that **H 454** be read the second time by title and the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill (Hill), Ingram, Kennedy, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noh, Richardson, Schroeder, Sorensen, Stegner, Stennett, Werk. Total - 29.

NAYS--None.

Absent and excused--Burkett, Keough, Noble, Pearce, Sweet, Williams. Total - 6.

Total - 35.

More than two-thirds having voted in the affirmative, the President Pro Tempore declared the rules suspended.

H 454 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill (Hill), Ingram, Kennedy, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noh, Richardson, Schroeder, Sorensen, Stegner, Stennett, Werk, Williams. Total - 30.

NAYS--None.

Absent and excused--Burkett, Keough, Noble, Pearce, Sweet. Total - 5.

Total - 35.

Whereupon the President Pro Tempore declared **H 454** passed, title was approved, and the bill ordered returned to the House.

Having voted on the prevailing side by which the motion to refer **H 453** to the Fourteenth Order of Business, General Calendar, prevailed, Senator Little served notice that he may on this or the next legislative day move for reconsideration of the vote.

H 453 was ordered held at the Secretary's desk.

Moved by Senator Noh, seconded by Senator Stegner, that the Senate adjourn.

The question being, "Shall the motion prevail?"

Roll call vote was requested by Senators Davis, Calabretta, and Kennedy.

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Calabretta, Compton, Gannon, Goedde, Kennedy, Malepeai, Marley, McWilliams, Noh, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 18.

NAYS--Bunderson, Burtenshaw, Cameron, Darrington, Davis, Geddes, Hill (Hill), Ingram, Little, Lodge, McKenzie, Sorensen. Total - 12.

Absent and excused--Burkett, Keough, Noble, Pearce, Sweet. Total - 5.

Total - 35.

Whereupon the President Pro Tempore declared that the motion to adjourn prevailed and the Senate adjourned at the hour of 5:30 p.m. until the hour of 11 a.m. Tuesday, April 29, 2003.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary